

REMARKS

Claims 1-34 are pending in the present application, [[[with claims 1, 11, 21, 26, 27 and 34 amended without the introduction of new matter (see, e.g., Specification, ¶¶ [0094] and [0097], and FIG. 15).

As a preliminary matter, Applicant requests consideration of the previously filed Information Disclosure Statements, for example, as filed on July 31, August 9 and 30, and September 27, 2002.

Referring now to the present Office Action, claims 1-3, 6, 9, 21, and 24 were rejected under 35 U.S.C. §102(e) based on *Hartrick et al.*, U.S. Patent No. 5,532,920; claims 4,5,7,8, and 26 were rejected under 35 U.S.C. §103(a) based on *Hartrick et al.* in view of *Sprague et al.*, U.S. Patent No. 5,247,575; claims 10, and 25 were rejected under 35 U.S.C. §103(a) based on *Hartrick et al.*; claims 11-19, 23, and 27-33 were rejected under 35 U.S.C. §103(a) based on *Hartrick et al.* in view of in view of *Comerford et al.*, U.S. Patent No. 5,109,413; claim 22 was rejected under 35 U.S.C. §103(a) based on *Hartrick et al.* in view of in view of *Wolfe*, U.S. Patent No. 4,796,220; and claim 34 was rejected under 35 U.S.C. §103(a) based on *Hartrick et al.* and *Comerford et al.* in view of *Sprague et al.*

The rejection of claims 1-34 is respectfully overcome because *Hartrick et al.*, *Comerford et al.*, *Sprague et al.*, and *Wolfe*, taken alone or in combination, fail to disclose, teach or suggest all of the features recited in the amended claims. For example, independent claims 1, 11, 21, and 27, as amended, recite “usage rights expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying a manner of use indicating one or more stated purposes for which the digital work can be used and distributed by an authorized party.”

By contrast, *Hartrick et al.* discloses a data processing system and method to enforce payment of royalties when copying softcopy books, wherein a publisher of a softcopy book includes royalty payment information either within the structured document text of the book or in a royalty payment information file which accompanies the book, and to read the book from the storage disk, the user applies a special softcopy book reading program. *Hartrick et al.* further discloses employing a structured document having tags for indicating royalty payment information for collecting fees for copying the softcopy

books (Figs. 3A-3C, and cols. 7-8). However, *Hartrick et al.* fails to disclose such tags being employed for “specifying a manner of use indicating one or more stated purposes for which the digital work can be used and distributed by an authorized party,” as recited in independent claims 1, 11, 21, and 27.

Comerford et al. discloses manipulating rights-to-execute in connection with a software copy protection mechanism, wherein a software asset protection mechanism segregates the right to execute software from the software itself, and the rights to execute, when installed on a composite computing system, are stored in a coprocessor element of the composite computing system. *Comerford et al.* further discloses transfer of the execution rights based on a token or a disk and token pair (col. 4, line 41 to col. 5, line 9). However, *Comerford et al.* fails to disclose “usage rights expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols,” as recited in independent claims 1, 11, 21, and 27.

Sprague et al. discloses an information distribution system that provides information to a user, when the information corresponds to criteria individually selected by the user, and then charges the user only for the selected information thus provided, wherein encrypted information packages (IP's) are provided at the user site, via high and/or low density storage media and/or by broadcast transmission. However, *Sprague et al.* fails to disclose “usage rights expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying a manner of use indicating one or more stated purposes for which the digital work can be used and distributed by an authorized party,” as recited in independent claims 1, 11, 21, and 27.

Wolfe discloses method of controlling the copying of software, wherein an authorized user of a program is allowed to make any number of backup copies of a computer program and to execute each such backup copy on the same authorized machine, but is inhibited from executing either the original or any copy thereof on any other machine, by including a control program with the application program to be copy controlled, and which control program causes an interaction and registration of the program during initialization of the program with a central computer. However, *Wolfe* fails to disclose “usage rights expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying a manner of use

indicating one or more stated purposes for which the digital work can be used and distributed by an authorized party,” as recited in independent claims 1, 11, 21, and 27.

Advantageously, employing “usage rights expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying a manner of use indicating one or more stated purposes for which the digital work can be used and distributed by an authorized party,” as recited in independent claims 1, 11, 21, and 27,” enables the support of a wide variety of distribution and fee schemes (see, e.g., Specification, p. 25, ¶ [0095]). By contrast, *Hartrick et al.*, *Comerford et al.*, *Sprague et al.*, and *Wolfe*, taken alone or in combination, fail to disclose, teach or suggest “usage rights expressed as statements from a usage rights language having a grammar defining a valid sequence of symbols, and specifying a manner of use indicating one or more stated purposes for which the digital work can be at least one of used and distributed by an authorized party,” as recited in independent claims 1, 11, 21, and 27, nor the advantages thereof.

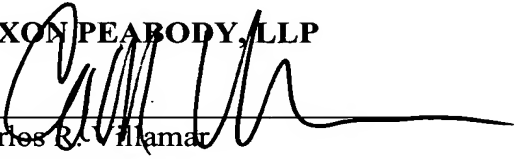
Dependent claims 2-10, 12-26, and 28-34 are allowable over *Hartrick et al.*, *Comerford et al.*, *Sprague et al.*, and *Wolfe*, taken alone or in combination, on their merits and for at least the reasons as argued above with respect to independent claims 1, 11, 21, and 27.

The prior art that has been cited, but not applied by the Examiner, has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon are believed to be warranted at this time.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

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